



Montgomery County, Virginia

CITIZEN GUIDE TO THE MINOR OR FAMILY SUBDIVISION PROCESS

What is a "Subdivision"?

A Subdivision is the division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transferring ownership or building development.

What is a "Minor Subdivision"?

A Minor Subdivision is any subdivision consisting of ten (10) or fewer lots or tracts and which does not require construction of a new street and does not require a private access easement serving a total of four (4) or more lots or tracts (Section 8-111).

What is a "Family Subdivision"?

A Family Subdivision is a division of a lot or parcel for the purpose of sale or gift to a member of the immediate family (defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner) of the property owner (Section 8-111).

What should be considered during the design of a Minor or Family Subdivision?

1. Design

The subdivision should be designed to reflect the unique characteristics of the property by responding to its topography, wetlands, streams, and forests and its relationship to adjoining properties and roads.

2. Lot Access

In minor subdivisions all lots, including remainders, must abut on one of the following:

- a. An existing public street
- b. A proposed private street
- c. A proposed private access easement at least forty (40) feet in width providing access from the lot to an existing public street (Section 8-151(1-4)).

All lots in family subdivisions must either meet the above requirements or have access to a public or private street by a right-of-way of at least twenty (20) feet in width.

3. Zoning

Permitted density, minimum lot size, and building setback requirements are regulated by the County's Zoning Regulations, which can be found in Chapter 10 of the Montgomery County Code.

4. Water and Sewer

If a private sewage system is to be used for the subdivision, the Health Department (VDH) or Authorized Onsite Soil Evaluator (AOSE) must conduct a soil percolation test on the property. If the property is located within an area serviced by the public water and sewer systems, in most instances, the proposed lots must be connected to public water and sewer.

What are the requirements for submitting a Minor or Family Subdivision?

Prior to submitting any plans to the County, you as a property owner, must obtain services of a Virginia registered and licensed land surveyor. This professional surveys your property and prepares the proposed subdivision plans and any supplemental reports, plans, or studies required to process your minor subdivision. Required submission materials include (Per section 8-174(a) of the Montgomery County Code):

1. **Submit scaled full size paper copy of plat** (via mail or hand delivery).
2. **Pay plat review fee.** This can be done by mailing check made payable to Treasurer of Montgomery County or paying fee at Treasurer's Office upon hand delivery of plat.
3. **Submit soils information** prepared by AOSE (if subdivision of lots requires VDH approval of on-site well and/or septic location).
4. For family subdivisions a **proposed deed** and **signed affidavit** is required to show that the new lot is being transferred from one immediate family member to another. Both documents may be provided after the review of the plat; however, both shall be received prior to County approval of the plat.

How is the plat processed?

Upon receipt of preliminary plat, staff will review the subdivision request. Please allow up to three (3) business days for full review. Once the plat has been reviewed, a checklist of necessary corrections will be distributed to the appropriate contact person by e-mail, fax or USPS mail (per the request of the applicant). If corrections are not necessary or when corrections have been completed and the plat does not require review by the Virginia Department of Health, staff will advise the contact person that the plat is ready for landowner signatures to be obtained and notarized (if not already signed by all appropriate parties).

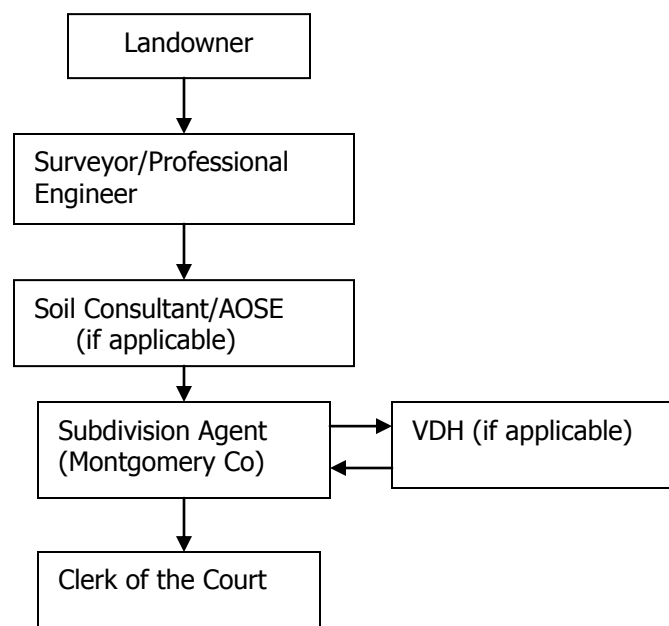
If corrections are not necessary or when corrections have been completed and the plat does require review by the Virginia Department of Health (VDH), staff will provide VDH with the following:

1. Letter stating subdivision plat meets the requirements of the Subdivision and Zoning Ordinance of the Montgomery County Code, and request that VDH review the plat,
2. Soil evaluation information previously submitted by applicant.
3. At least one copy of a preliminary plat for VDH to review.

VDH, per Virginia State Law, has up to sixty (60) days to review the plat. After VDH review is complete the applicant, AOSE consultant, and Montgomery County subdivision agent will receive a letter approving or denying the proposed locations for onsite sewer and water. It is then the responsibility of the applicant and/or soil consultant to return to the subdivision agent with plats signed and notarized by all applicable parties and ready to be signed by the County. After the County has signed the plat, the applicant has up to six (6) months to record the plat at the Clerk of Court's office in the Montgomery County Clerk of the Circuit Court's Office.

***Please note:** The parcels will not be considered a "new" parcel in the County's real estate system until the approved plat has been properly recorded.

Figure 1: Subdivision Process



**For additional information contact:
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Christiansburg, VA 24073
Ph: 540-394-2148; Fax: 540-381-8897**

www.Montgomerycountyva.gov/planning

Please note:

This guide is not intended to be used as a substitute for the Subdivision Ordinance. Review of the full version of the Subdivision Ordinance is encouraged for complete context and accuracy. The full texts of the zoning and subdivision ordinances are available at www.montgomerycountyva.gov/planning or at www.municode.com.